

HOUSE No. 2385

By Mr. Toomey of Cambridge, petition of Timothy J. Toomey, Jr., and Christine E. Canavan for legislation to increase the accessibility of non-lethal self defense sprays. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO INCREASING ACCESSIBILITY TO NONLETHAL SELF DEFENSE SPRAYS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 121 of Chapter 140 of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by
3 striking out the definition of “ammunition” and inserting in place
4 thereof the following definition:—
5 “Ammunition” cartridges or cartridge cases, primers (igniter),
6 bullets or propellant powder designed for use in any firearm, rifle or
7 shotgun.

1 SECTION 2. Section 129B of Chapter 140 of the General Laws,
2 as so appearing, is hereby amended by striking out in lines 141
3 through 143 the sentence, “A firearm identification card shall be
4 valid for the purpose of purchasing and possessing chemical mace,
5 pepper spray or other similarly propelled liquid, gas or powder
6 designed to temporarily incapacitate.”

1 SECTION 3. Section 34 of Chapter 140 of the Acts of 2003, is
2 hereby amended by striking out the sentence, “If a firearm identifi-
3 cation card is issued for the sole purpose of purchasing or possessing
4 chemical mace, pepper spray or other similarly propelled liquid, gas
5 or powder designed to temporarily incapacitate, such card shall
6 clearly state that such card is valid for such limited purpose only.”

1 SECTION 4. Section 34 of Chapter 140 of the Acts of 2003, is
2 hereby amended by striking out the clause “The application fee for a

3 firearm identification card issued for the sole purpose of purchasing
4 or possessing chemical mace, pepper spray or other similarly pro-
5 pelled liquid, gas or powder designed to temporarily incapacitate
6 shall be \$25, which shall be payable to the licensing authority and
7 shall not be prorated or refunded in the case of revocation or denial.
8 The licensing authority shall retain 50 per cent of the fee and the
9 remaining portion shall be deposited in the General Fund. Notwith-
10 standing any general or special law to the contrary, licensing authori-
11 ties shall deposit quarterly that portion of the firearm identification
12 card application fee which is to be deposited into the General Fund,
13 not later than January 1, April 1, July 1 and October 1 of each year.
14 There shall be no application fee for the renewal of a firearm identi-
15 fication card issued under this clause.

16 A firearm identification card issued under this clause shall dis-
17 play, in clear and conspicuous language, that the card shall be valid
18 only for the purpose of purchasing or possessing chemical mace,
19 pepper spray or other similarly propelled liquid, gas or powder
20 designed to temporarily incapacitate.”

1 SECTION 5. Section 131 of Chapter 140 of the General Laws, as
2 so appearing, is hereby amended by striking out the clause, “and for
3 purchasing and possessing chemical mace, pepper spray or other
4 similarly propelled liquid, gas or powder designed to temporarily
5 incapacitate.”.

1 SECTION 6. Section 131P of Chapter 140 of the General Laws,
2 as so appearing, is hereby amended by striking out in lines 12
3 through 7, “;and provided further, that an applicant for a firearms
4 identification card for the sole purpose of purchasing or possessing
5 chemical mace, pepper spray or other similarly propelled liquid, gas
6 or powder designed to temporarily incapacitate shall not be required
7 to complete a basic firearms safety course as a prerequisite for
8 receiving such card.”

1 SECTION 7. Section 3B of Chapter 209A of the General Laws,
2 as so appearing, is hereby amended by inserting in line 7 after the
3 words “and ammunition” the following words:— “or chemical
4 mace, pepper spray or other similarly propelled liquid, gas or
5 powder designed to temporarily incapacitate”.

1 SECTION 8. Section 3C of Chapter 209A of the General Laws,
2 as so appearing, is hereby amended by inserting in line 7 after the
3 words “and ammunition” the following words:— “or chemical
4 mace, pepper spray or other similarly propelled liquid, gas or
5 powder designed to temporarily incapacitate”.

1 SECTION 9. Section 121 of Chapter 266 of the General Laws, as
2 so appearing, is hereby amended by inserting in line 2 after the
3 words “with firearms” the following words:— “or chemical mace,
4 pepper spray or other similarly propelled liquid, gas or powder
5 designed to temporarily incapacitate.”.

1 SECTION 10. Chapter 269 of the General Laws, as so appearing,
2 is hereby amended by inserting after Section 10A the following sec-
3 tions:—

4 Section 10B. Any person who makes a sale or delivery of chem-
5 ical mace, pepper spray or other similarly propelled liquid, gas or
6 powder designed to temporarily incapacitate, to any person under the
7 age of eighteen shall be punished by a fine of not more than two
8 thousand dollars or by imprisonment for not more than six months,
9 or both. This section shall not prohibit the employment of any
10 person over the age of eighteen from handling or selling such prod-
11 ucts and shall not prohibit a business from employing a person under
12 the age of eighteen who does not directly handle or sell such prod-
13 ucts.

14 Section 10B½. Any person under the age of eighteen who pos-
15 sesses, purchases or attempts to purchase chemical mace, pepper
16 spray or other similarly propelled liquid, gas or powder designed to
17 temporarily incapacitate, or makes arrangements with any person to
18 purchase or procure such products, or who willfully misrepresents
19 his age, or alters, defaces or falsifies his identification offered as
20 proof of age, with the intent of purchasing such products shall be
21 punished by a fine of not more than five hundred dollars.

1 SECTION 11. Section 10C of chapter 269 of the General Laws,
2 as so appearing, is hereby amended by inserting in line 3 after the
3 words “seven years” the following clause:—

4 “Whoever except in the lawful defense of life or property, will-
5 fully discharges chemical mace, pepper spray or other similarly

6 propelled liquid, gas or powder designed to temporarily incapacitate,
7 with the intent to accost or annoy another person shall be punished
8 by a fine of not more than five hundred dollars.”